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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/716,138

11/19/2003

Kazuo Okada

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EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,138

Applicant(s)

OKADA, KAZUO

Examiner

Frank M. Leiva

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/19/2004; 09/23/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 11/19/2002 is noted, however, that applicant has not filed a certified copy of the Japan 2002-335011 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed 19 November 2004 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hedrick et al (US 6,135,884).**
5. **Regarding claims 1 and 8; Hedrick discloses:**

- a. A slot machine with reel and a payout device, that operates a lottery (random number generator) to select the winning combinations, (Abstract).
 - b. A secondary image device that differs from the reels (LCD Top screen), (Abstract).
 - c. Wherein the controller operates a lottery of a winning combination according to the predetermined program; the controller controls and stops a changing display of the reel based on the winning combination obtained by the lottery; the controller allows the payout on the basis of an amount of payout set to the winning combination when a stop mode of the reel matches a symbol combination of the winning combination; and the controller allows the image display device to display the winning combination and an amount of payout while changing the amount of payout, (Col 15:27-54).
6. **Regarding claims 2-5, and 8;** Hedrick discloses, wherein the image display device is formed by an electric display device and displays an image with reference to the amount of payout; wherein the controller operates in a plurality of operating modes for changing the amount of payout; wherein at least one of the operating modes changes a probability of the lottery; wherein at least one of the operating modes changes the probability of the lottery for a bonus winning combination, (Col. 15:27-54).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hedrick.**

9. **Regarding claims 6 and 7; Hedrick discloses** all the limitations recited in claim 1 from which claims 6 and 7 depend on, although Hedrick is silent about the a plurality of payout data and the selecting operation of the manager, and the use of a password or authentication method for the manager to operate changes in the machine, the examiner takes **Official Notice** in the fact that the IGT Game King and S-Plus platforms since their conception has had a multiple payable and percentage schemes that the Technician must select according to the Casino management decision as for how much percentage to hold. It is also known to those in the art that the IGT Game King and S-Plus machines require a signature chip to be installed in order to select the games and paytables during setup of the game. It is obvious to one of ordinary skill in the art that Hedrick's invention is intended to be installed on top of a Game King or S-Plus machine which would already have the features and would not be necessary to modify Hedrick any further.

Citation of Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hughs-Baird et al (US 6,468,156 B1), bonus payable schemes. Hedrick et al (US 6,368,216 B1), secondary display for video content. Williams et al (US 6,350,199 B1), method for customized screen presentation. Saffari et al (US 6,264,561 B1), IGT Game King with menu screen diagrams. Mastern et al (US 6,315,666 B1), secondary display for video content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Leiva whose telephone number is (571) 272-2460. The examiner can normally be reached on M-Th 8:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

06/17/2007



Robert E Pezzuto

Supervisory Patent Examiner

Art Unit 3714